

No. 3577

---

United States  
Circuit Court of Appeals

For the Ninth Circuit.

---

MON SINGH, Sometimes Referred to as MAN  
SINGH,

Appellant,

vs.

EDWARD WHITE, as Commissioner of Immigra-  
tion, Port of San Francisco,

Appellee.

---

Transcript of Record.

---

Upon Appeal from the Southern Division of the  
United States District Court for the  
Northern District of California,  
First Division.

---

FILED  
FEB - 5 1921  
F. B. MANSKTON,  
CLERK



United States  
Circuit Court of Appeals

For the Ninth Circuit.

---

MON SINGH, Sometimes Referred to as MAN  
SINGH,

Appellant,

vs.

EDWARD WHITE, as Commissioner of Immigra-  
tion, Port of San Francisco,

Appellee.

---

Transcript of Record.

---

Upon Appeal from the Southern Division of the  
United States District Court for the  
Northern District of California,  
First Division.

---



# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

---

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Assignment of Errors.....	19
Certificate of Clerk U. S. District Court to Transcript on Appeal.....	27
Citation on Appeal (Copy).....	23
Citation on Appeal (Original).....	28
Demurrer to Petition for Writ of Habeas Corpus.....	12
Memorandum.....	15
Minutes of Court—January 31, 1920—Order Submitting Case.....	13
Minutes of Court—February 10, 1920—Order Sustaining Demurrer, etc.....	14
Minutes of Court—September 25, 1920—Order Regarding Filing of Immigration Record..	25
Names and Addresses of Attorneys of Record...	1
Notice of Appeal.....	17
Opinion.....	15
Order Allowing Petition for Appeal. ....	22
Order Extending Time Thirty Days from September 2, 1920, to File Record and Docket Cause.....	30
Order Regarding Filing of Immigration Record.	25
Order Submitting Case.....	13

Index.	Page
Order Sustaining Demurrer, etc.....	14
Order to Show Cause.....	11
Petition for Appeal.....	18
Petition for Writ of Habeas Corpus.....	2
Praecipe for Transcript on Appeal.....	1
Stipulation and Order Respecting Withdrawal of Immigration Record.....	26

## **Names and Addresses of Attorneys of Record.**

For Petitioner and Appellant:

GEO. A. MCGOWAN, Esq., San Francisco,  
Calif.

For Respondent and Appellee:

UNITED STATES ATTORNEY, San Fran-  
cisco, Calif.

---

In the Southern Division of the United States Dis-  
trict Court, for the Northern District of Cali-  
fornia, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Re-  
ferred to as MAN SINGH, on Habeas  
Corpus.

### **Praecipe for Transcript on Appeal.**

To the Clerk of said Court:

Sir: Please make up Transcript on Appeal in the  
above-entitled case, to be composed of the following  
papers, to wit:

1. Petition for writ of habeas corpus.
2. Order to show cause.
3. Demurrer to petition.
4. Judgment and order sustaining demurrer and  
denying petition, including memorandum  
opinion of the Court.
5. Notice of appeal.
6. Petition for appeal.
7. Assignment of errors.

8. Order allowing petition for appeal.
9. Stipulation and order regarding withdrawal and filing original immigration record in Appellate Court.
10. Minute order and stipulation upon original filing of immigration record.
11. Citation on appeal, original and copy.
12. Clerk's certificate.

Respectfully,

GEO. A. McGOWAN,

Attorney for Petitioner and Appellant Herein.

[Endorsed]: Filed Sep. 2, 1920. W. B. Maling,  
Clerk. By C. M. Taylor, Deputy Clerk. [1\*]

---

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,738.

In the Matter of the Application of MON SINGH,  
Sometimes Referred to as MAN SINGH, on  
Habeas Corpus.

**Petition for Writ of Habeas Corpus.**

To the Honorable United States District Judge  
Now Presiding in the Above-entitled Court:

It is respectfully shown by the petition of the undersigned,—

That Mon Singh, sometimes referred to as Man Singh, hereinafter referred to as the detained, is

---

\*Page-number appearing at foot of page of original certified Transcript of Record.



unlawfully imprisoned, detained, confined and restrained of his liberty by and under the order of and by the direction of the Secretary of Labor by Edward White, Commissioner of Immigration for the Port and District of San Francisco, at the Immigration Station at Angel Island, County of Marin, within the State and Northern District of California, Southern Division thereof, and within the jurisdiction of this Court. That the said imprisonment, detention, confinement and restraint are illegal, and that the illegality thereof consists in this, to wit:

That is is claimed by the said Secretary and the said Commissioner that the detained is an alien person who has been found within the United States in violation of the Act of Congress of the United States of February 5th, 1917, entitled an Act Regulating Immigration of Aliens to, and Residence of Aliens in, the United States, and that the said detained is therefore subject to be taken into custody and returned to the country whence he came. That [2] the said Commissioner now holds the said detained in his custody under a warrant of deportation issued by the said Secretary of Labor upon the 21st of January, 1918, and it is the purpose and intention of the said Commissioner to execute the said warrant of deportation by causing the said detained to be deported on the steamer "Nanking," sailing from the port of San Francisco at 1 o'clock P. M. on December 10th, 1919; and unless this Court intervene, the said detained will be carried away from his domicile within the United

States and deprived of his rights all as in this petition hereinafter expressly set forth.

Your petitioner alleges upon his information and belief that the said detained originally entered the United States at the port of San Francisco, State of California, on or about the 14th or the 15th day of April, 1910, he having arrived thereat upon the S. S. "Manchuria," and that the said detained has continuously since said time resided within the United States and has not departed therefrom, and that he enjoyed an unbroken and continuous residence within the United States of upwards of seven years prior to the issuance of the warrant of arrest or the succeeding warrant of deportation by the Secretary of Labor, and that for said reason the said Secretary of Labor was without authority or jurisdiction to issue either a warrant of arrest or a warrant of deportation against this detained.

Your petitioner further alleges upon his information and belief that it is charged against the said detained that he entered the United States from Mexico, near Calexico, California, without inspection on or about the first day of November, 1915, or the seventh day of November, 1915, and that at the time of said entry he was a person likely to become a public charge, and your petitioner alleges that a warrant of arrest was issued by the [3] Secretary of Labor under the terms and provisions of the Act of Congress of February 20th, 1907, which said warrant of arrest and the proceedings thereby initiated were pending at the time of the taking effect of the Act of Congress of February

5th, 1917, which said Act is known as the General Immigration Law, and that under the terms and provisions of the said last-mentioned Act, and particularly under the concluding provision of Section 38 thereof which is as follows:

“PROVIDED, FURTHER, That nothing contained in this act shall be construed to affect any prosecution, suit, action or proceedings brought, or any act, thing or matter, civil or criminal done or existing at the time of the taking effect of this act, except as mentioned in the third proviso of section nineteen hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.”

the said Secretary of Labor was without statutory authority to proceed against the said detained excepting under the terms and provisions of the said earlier Immigration Act of February 20th, 1907.

And your petitioner further alleges that the said Secretary exceeded his statutory authority and acted in violation thereof, when he caused to be issued against the said detained a warrant of arrest and conducted a proceeding thereunder, and finally issued a warrant of deportation therein against the said detained under the terms and provisions of the said Act of Congress of February 5th, 1917, which your petitioner alleges was plainly in excess of and in violation of the statutory authority conferred upon the said Secretary in said matters made and provided.

Your petitioner further alleges upon his information and belief that the charge contained in the said warrant that there was a likelihood of the said detained becoming a public charge at the time he entered the United States is a finding which, according to the information and belief of your petitioner, is an abuse of the discretion conferred upon the Secretary in such [4] matters in this, that the said detained has resided in the United States for almost ten years last past, and that he never upon any occasion or at any time during said period has been or become a public charge, or is there any likelihood of his being or becoming a public charge, but, on the contrary, the said detained has during all of said time been a healthy, able-bodied man, engaged in useful and laboring occupations, tending to the development of the agricultural resources of the United States, and your petitioner further alleges upon his information and belief that the said Secretary has made a mistake in interpretation of the said statute in this that he has contended that if there is, in his judgment or opinion, a likelihood of the detained at some future time being *arrest* or involved in some transgression of the law, that he then and in that event may conclude therefrom that the said detained is likely to become a public charge. Your petitioner alleges that the said construction of the said statute by the said Secretary, and the meaning placed thereon by the said Secretary is outside of the true meaning of the said statute, and hence is a violation of the discretion committed to the said Secretary and is in

excess of the statutory authority conferred upon him.

Your petitioner further alleges upon his information and belief that the charge contained in the said warrant that the said detained had entered without inspection is a finding which, according to the information and belief of your petitioner is an abuse of discretion conferred upon the Secretary in such matters, in this, that the said detained has resided in the United States for almost ten years last past, and that he has never, upon any occasion, or at any time during said period, been out of the territorial limits of the mainland territory of the United [5] States, and your petitioner alleges upon his information and belief that there is, as a matter of law, no legal or competent testimony supporting the said allegation in the said warrant which truly or at all establishes the fact that this said detained ever left the United States, or that he entered or re-entered it as specified in said warrant. That there is no legal, proper or other evidence which, as a matter of law, sufficiently identifies the said detained as the person referred to in part of the evidence taken and entertained and received by the said Secretary, and therefore your petitioner alleges upon his information and belief that the finding and conclusion of the said Secretary that the said detained had entered the United States on or about the first or seventh day of November, 1915, was without any competent, proper or legal evidence to support it, and is a finding which is there-

fore null and void and in excess of the power of the said Secretary to make.

Your petitioner further alleges upon his information and belief that the said Secretary is without statutory power or authority to cause the detained to be deported away from and out of the United States in this, that the power and authority of the said Secretary is limited to three years after the entry of the said detained, and that the deportation must be effected within said time. Your petitioner alleges that the said period of three years having long since passed and expired without the deportation having been effected, that the said Secretary is without statutory power or warrant in the premises.

Your petitioner further alleges upon his information and belief that a former application for a petition for a writ of habeas corpus was presented to the above-entitled court, but that the points herein raised attesting the statutory authority of the said Secretary were not therein presented, and are now therefore [6] being urged before this Court in this proceeding for the first time.

That your petitioner has not in his possession a copy of the record of the proceedings and the evidence taken at the said hearing had before the said Secretary, and cannot, for said reason, submit a copy thereof with this petition, but your petitioner stipulates that upon the production of the original immigration record by the immigration authorities, that the same may be submitted in evidence and deemed a part and parcel of the petition herein.

That the said detained is now in custody at the Immigration Station at Angel Island, having just been surrendered into custody in pursuance of the request which had just previously been communicated to him; and that it is therefore impossible for the said detained to verify the said petition on his own behalf, but your petitioner does at the special instance and request of the detained and as the act of the said detained, so verify this petition as his next friend.

Your petitioner further alleges that during the continuance of the entire executive deportation proceedings hereinabove referred to, the said detained was released upon bail by the immigration authorities of the United States in the sum of \$2,000, and that he has been, at the request of the said immigration authorities, surrendered into custody the 6th day of December, 1919.

WHEREFORE, your petitioner prays that a writ of habeas corpus issue herein as prayed for, directed to the said Commissioner, commanding him to have the body of the said detained, together with the time and cause of his detention, before your Honor at a time and place to be therein specified, to the end that the cause of the detention of the said detained may be inquired into, and that he may be discharged from custody and go hence without day; and your petitioner further prays that during the pendency of the said matter the said detained may be released in bond in the sum of [7] \$2,000, as he had been so previously released

before the immigration authorities as hereinbefore set forth.

CHARN SINGH SODHER.

GEO. A. MCGOWAN,

Attorney for Petitioner, Bank of Italy  
Building, 550 Montgomery Street, San  
Francisco, Cal. [8]

United States of America,  
State and Northern District of California,  
City and County of San Francisco,—ss.

The undersigned being first duly sworn, deposes and says:

That he is the petitioner named in the foregoing petition; that the same has been read and explained to him, and that he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters he believes it to be true.

CHARN SINGH SODHER.

Subscribed and sworn to before me this 8th day of December, 1919.

HARRY L. HORN, [Seal]

Notary Public, in and for the City and County of  
San Francisco, State of California.

[Endorsed]: Filed Dec. 9, 1919. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [9]



In the District Court of the United States, for the Northern District of California, Southern Division, First Division.

No. 16,738.

In the Matter of the Application of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Order to Show Cause.**

Good cause appearing therefor, and upon reading the verified petition for a writ of habeas corpus on file herein, it is hereby ordered that Edward White, Commissioner of Immigration for the Port and District of San Francisco, appear before this Court on the 13th day of December, A. D. 1919, at the hour of 10 o'clock of said day, to show cause, if any he has, why a writ of habeas corpus should not be issued as prayed for; and that a copy of this order be served upon the said Commissioner, and a copy of said petition upon the United States Attorney for this District.

It is further ordered that the said Edward White, Commissioner of Immigration as aforesaid, or whoever, acting under the orders of the said Commissioner, or of the Secretary of Labor, shall have the custody of the said Mon Singh, sometimes referred to as Man Singh, are hereby ordered and directed to retain the said person within the custody of the said Commissioner of Immigration and within the jurisdiction of this Court until its further and until its final order herein.

Dated, San Francisco, California, 9th day of December, A. D. 1919.

FRANK H. RUDKIN,  
U. S. District Judge.

[Endorsed]: Filed Dec. 9, 1919. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [10]

---

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,738.

In the Matter of the Application of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Demurrer to Petition for Writ of Habeas Corpus.**

Now comes the respondent, Edward White, Commissioner of Immigration, at the port of San Francisco, in the Southern Division of the Northern District of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause, and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon.

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the trial of the said applicant are

conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

ANNETTE ABBOTT ADAMS,

United States Attorney,

BEN F. GEIS,

Asst. United States Attorney,

Attorneys for Respondent.

[Endorsed]: Filed Dec. 19, 1919. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [11]

---

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, State of California, on Saturday, the thirty-first day of January, in the year of our Lord, one thousand nine hundred and twenty. PRESENT: The Honorable FRANK H. RUDKIN, District Judge.

No. 16,738.

In the Matter of MON SINGH, on Habeas Corpus.

**Minutes of Court—January 31, 1920—Order Submitting Case.**

This matter came on regularly this day for hearing on order to show cause and demurrer to petition. After hearing the respective attorneys herein, the Court ordered that said matter be submitted

on records and points and authorities to be filed by petitioner in five (5) days. [12]

---

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, State of California, on Tuesday, the tenth day of February, in the year of our Lord one thousand nine hundred and twenty. PRESENT: The Honorable FRANK H. RUDKIN, Judge.

No. 16,738.

In the Matter of MON SINGH, on Habeas Corpus.

**Minutes of Court—February 10, 1920—Order  
Sustaining Demurrer, etc.**

Pursuant to opinion this day filed, it is ordered that the demurrer to the petition for a writ of habeas corpus herein be and the same is hereby sustained and the said petition be and the same is hereby dismissed. [13]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

ORDER SUSTAINING DEMURRER TO PETITION FOR WRIT OF HABEAS CORPUS.

GEORGE A. MCGOWAN, Esq., Attorney for Petitioner.

ANNETTE ABBOTT ADAMS, United States Attorney, and BEN. F. GEIS, Esq., Assistant United States Attorney, Attorneys for Respondent.

**Memorandum.**

RUDKIN, District Judge.

On the 21st day of January, 1918, the Assistant Secretary of Labor issued his warrant, reciting that the petitioner had been found in the United States in violation of the Immigration Act of February 5, 1917, to wit: "That he was a person likely to become a public charge at the time of his entry into the United States; and that he entered the United States by land at a place other than a designated port of entry for aliens," and directing that he be deported and returned to India, the country whence he came. The petitioner has filed an application for a writ of habeas corpus claiming that the hear-

ing awarded him by the Department was unfair and raising other questions which will be referred to presently. The finding of the Department that the petitioner entered the United States in the year 1915 from the Republic of Mexico by land at a place other than one designated as a port of entry is supported by competent testimony and beyond this the Court is not at liberty to review that finding. In determining the character of the entry it matters little whether we look to the act of February 20, 1907, [14] or to the act of February 5, 1917, because the provisions of the two acts are substantially the same. See section 36 of the act of 1907 and section 19 of the act of 1917. And if the petitioner entered the United States unlawfully, it matters little whether he is deported under the act of 1917 or the act of 1907, because the procedure for the deportation is the same under both acts. The demurrer will therefore be sustained and the petition dismissed. Let an order be entered accordingly.

February 10th, 1920.

[Endorsed]: Feb. 10, 1920. W. B. Maling, Clerk.  
By C. M. Taylor, Deputy Clerk. [15]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Notice of Appeal.**

To the Clerk of the Above-entitled Court, and to ANNETTE ABBOTT ADAMS, United States Attorney, and BEN. F. GEIS, Assistant United States Attorney for the Northern District of California:

You and each of you will please take notice that Mon Singh, sometimes referred to as Man Singh, the detained and petitioner herein, does hereby appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit from the order and judgment made and entered herein on the 10th day of February, 1920, sustaining the demurrer, and denying the petition for a writ of habeas corpus filed herein and dismissing the same.

Dated, San Francisco, California, February 21st, 1920.

GEO. A. MCGOWAN,  
Attorney for Petitioner, Detained and Appellant  
Herein. [16]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Petition for Appeal.**

Comes now Mon Singh, sometimes referred to as Man Singh, the detained and petitioner, who is the appellant herein, and says:

That on the 10th day of February, 1920, the above-entitled Court made and entered its order and judgment herein, sustaining the demurrer and denying the petition for a writ of habeas corpus filed herein and dismissing the same, in which said order and judgment certain errors are made to the prejudice of the appellant herein, all of which will more fully appear from the assignment of errors filed herein.

Wherefore, this appellant prays that an appeal may be granted in his behalf to the Circuit Court of Appeals of the United States for the Ninth Circuit for a correction of the errors so complained of, and further that a transcript of the record, proceedings and papers in the above-entitled cause as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit.



It is further prayed that during the pendency of the said appeal that the said Mon Singh, sometimes referred to as Man Singh, may retain his liberty and remain at large under the order heretofore made herein, provided that he remain within the State of California, and render himself in execution of whatever judgment [17] is finally entered herein.

Dated: San Francisco, California, February 21st, 1920.

GEO A. MCGOWAN,

Attorney for Petitioner, Detained and Appellant  
Herein. [18]

---

In the District Court of the United States, in and for the Northern District of California, Southern Division, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Assignment of Errors.**

Comes now Mon Singh, sometimes referred to as Man Singh, the detained and petitioner herein, and appellant herein, by his attorney, George A. McGowan, Esquire, in connection with his petition for a hearing herein, and assigns the following errors which he avers occurred upon the trial or hearing of the above-entitled cause, and upon which he will

rely upon appeal to the Circuit Court of Appeals for the Ninth Circuit, to wit:

FIRST: That the Court erred in denying the petition for a writ of habeas corpus herein.

SECOND: That the Court erred in not holding that it had jurisdiction to issue a writ of habeas corpus, as prayed for in the petition herein.

THIRD: That the Court erred in not holding that the allegations contained in the petition herein for a writ of habeas corpus were sufficient in law to justify the granting and issuing of a writ of habeas corpus, as prayed for in the said petition.

FOURTH: That the Court erred in holding that there was sufficient or any evidence submitted before the Secretary of Labor to show that there was a likelihood of the petitioner and appellant, Mon Singh, sometimes referred to as Man Singh, becoming a public charge at the time of his entry into the United States within the meaning and as the said term is used in the general immigration law.  
[19]

FIFTH: That the Court erred in holding that there was sufficient or any evidence submitted before the Secretary of Labor to show that the petitioner and appellant, Mon Singh, sometimes referred to as Man Singh, entered the United States by land at a place other than a designated port of entry for aliens.

SIXTH: That the Court erred in holding that the Secretary of Labor had jurisdiction to deport for a violation of the General Immigration Act of February 20th, 1907, under the authority conferred

upon him by the General Immigration Law of February 5th, 1917.

WHEREFORE, the appellant prays that the judgment and order of the United States District Court, in and for the Northern District of the State of California, Southern Division, Division No. 1, made and entered herein, in the office of the Clerk of said Court on the 10th day of February, 1920, sustaining the demurrer and denying the petition for a writ of habeas corpus filed herein and dismissing the same be reversed, and that this cause be remitted to the said lower Court with instructions to discharge the said Mon Singh, sometimes referred to as Man Singh, from custody, or grant him a new trial before the lower court, by directing the issuance of a writ of habeas corpus, as prayed for in the said petition.

Dated: San Francisco, California, February 21st, 1920.

GEO. A. MCGOWAN,  
Attorney for Appellant.

Service of the within notice of appeal, petition for the allowance of an appeal and assignment of errors, together with the receipt of a copy of each thereof, is hereby admitted this 21st day of February, 1920.

ANNETTE ABBOTT ADAMS,  
United States Attorney, the Attorney for Respondent Herein.

[Endorsed]: Filed Feb. 21, 1920. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [20]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Order Allowing Petition for Appeal.**

On this 21st day of February, 1920, comes Mon Singh, sometimes referred to as Man Singh, the detained and petitioner herein, and appellant herein, by his attorney, George A. McGowan, Esquire, and having previously filed herein, did present to this Court his petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, from the order and judgment made and entered herein on the 10th day of February, 1920, sustaining the demurrer, and denying the petition for a writ of habeas corpus filed herein and dismissing the same, intended to be urged and prosecuted by him, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper.

IN CONSIDERATION WHEREOF, this Honorable Court does hereby allow the appeal herein

prayed for, and orders and directs that the execution of the warrant of deportation made by the Secretary of Labor be stayed pending a hearing of the said case in the United States Circuit Court of Appeals for the Ninth Circuit, and it is further ordered that the said Mon Singh, sometimes referred to as Man Singh, may retain his liberty and remain at large under the order [21] heretofore made herein, provided that he remain within the State of California and render himself in execution of whatever judgment is finally entered herein.

Dated: San Francisco, Cal., February 21st, 1920.

FRANK H. RUDKIN,  
United States District Judge.

Service of the within order allowing appeal herein and receipt of a copy thereof is hereby admitted this 21st day of February, 1920.

ANNETTE ABBOTT ADAMS,  
United States Attorney, the Attorney for the Respondent Herein.

[Endorsed]: Filed Feb. 21, 1920. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [22]

---

**Citation on Appeal (Copy).**

UNITED STATES OF AMERICA,—ss.  
The President of the United States, to EDWARD WHITE, Commissioner of Immigration, Port of San Francisco, and to F. M. SILVA, His Attorney, GREETING:

You are hereby cited and admonished to be and

appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the Southern Division United States District Court for the Northern District of California, wherein Mon Singh, sometimes referred to as Man Singh, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, any why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable WM. H. SAWTELLE, United States District Judge sitting by assignment in the Northern District of California this 7th day of August, A. D. 1920.

WM. H. SAWTELLE,  
United States District Judge.

Service of the within citation on appeal and receipt of a copy thereof is hereby admitted this 7th day of August, 1920.

FRANK M. SILVA,  
United States Attorney.

Acknowledgment is hereby made that a copy of the within citation on appeal has been this day lodged with this office.

W. B. MALING,  
Clerk U. S. District Court, Northern District of  
Cal.

By C. W. Calbreath.  
Deputy.

[Endorsed]: Filed Aug. 7, 1920. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [23]

---

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Saturday, the 25th day of September, in the year of our Lord one thousand nine hundred and twenty. PRESENT: The Honorable MAURICE T. DOOLING, Judge.

No. 16,738.

In the Matter of MON SINGH, Sometimes Known as MAN SINGH, on Habeas Corpus.

**Minutes of Court—September 25, 1920—Order  
Regarding Filing of Immigration Record.**

On motion of Geo. A. McGOWAN, Esquire, attorney for petitioner and detained herein, and upon his presenting the Immigration Record in connection with the detained herein, it is ordered that the same be filed *nunc pro tunc* as of January 31st, 1920, and that the same be considered as a part of the original petition on file herein. [24]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Referred to as MAN SINGH, on Habeas Corpus.

**Stipulation and Order Respecting Withdrawal of Immigration Record.**

IT IS HEREBY STIPULATED AND AGREED by and between the attorney for the petition and appellant and the attorney for the respondent and appellee herein, that the original Immigration Record in evidence and considered as part and parcel of the petition for a writ of habeas corpus upon the hearing of the demurrer may be withdrawn from the files of the clerk of this court and filed with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit, there to be considered as part and parcel of the record on appeal in the above-entitled case with the same force and effect as if embodied in the transcript of the record and so certified to by the clerk of this court.

Dated: San Francisco, Cal., September 2d, 1920.

GEO. A. McGOWAN,

Attorney for Petitioner and Appellant.

FRANK M. SILVA,

United States Attorney,

Attorney for Respondent and Appellee.



## ORDER.

Upon reading and filing the foregoing stipulation, it is hereby ordered that the said immigration record therein referred to may be withdrawn from the files of the clerk of this court, and filed in the office of the clerk of the United States Circuit Court of Appeals for the Ninth Circuit, said withdrawal to be made at the time the record on appeal herein is certified to by the [25] clerk of this court and transmitted to the clerk of the said Appellate Court.

Dated: September 2d, 1920.

M. T. DOOLING,  
U. S. District Judge.

[Endorsed]: Filed Sep. 2, 1920. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [26]

---

**Certificate of Clerk U. S. District Court to Transcript  
on Appeal.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 26 pages, numbered from 1 to 26, inclusive, contain a full, true, and correct transcript of certain records and proceedings, in the Matter of Mon Singh, etc., on Habeas Corpus, No. 16,738, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the praecipe for transcript on appeal (copy of which is embodied herein), and the

instructions of the attorney for petitioner and appellant herein.

I further certify that the cost for preparing and certifying the foregoing transcript on appeal is the sum of eight dollars and twenty cents (\$8.20), and that the same has been paid to me by the attorney for petitioner herein.

Annexed hereto is the original citation on appeal issued herein (page 28).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 27th day of September, A. D. 1920.

[Seal]

WALTER B. MALING,

Clerk.

By C. M. Taylor,

Deputy Clerk. [27]

---

**Citation on Appeal (Original).**

UNITED STATES OF AMERICA,—ss.

The President of the United States, to EDWARD WHITE, Commissioner of Immigration, Port of San Francisco, and to F. M. SILVA, His Attorney, GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the Southern Division, United States District Court, for the Northern District of California,

wherein Mon Singh, sometimes referred to as Man Singh, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable WM. H. SAWTELLE, United States District Judge, sitting by assignment in the Northern District of California, this 7th day of August, A. D. 1920.

WM. H. SAWTELLE,

United States District Judge. [28]

Service of the within citation on appeal and receipt of a copy thereof is hereby admitted this 7th day of August, 1920.

FRANK M. SILVA,

United States Attorney.

Acknowledgment is hereby made that a copy of the within citation on appeal has been this day lodged with this office.

Dated: August —, 1920.

W. B. MALING,

Clerk U. S. District Court, Northern District of Cal.

By C. W. Calbreath,

Deputy.

[Endorsed]: No. 16,738. United States District Court for the Northern District of California, Southern Division. Mon Singh, Sometimes Referred to as Man Singh, Appellant, vs. Edward

White, Commissioner of Immigration, Port of S. F.  
Citation on Appeal. Filed Aug. 7, 1920. W. B.  
Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

---

[Endorsed]: No. 3577. United States Circuit  
Court of Appeals for the Ninth Circuit. Mon  
Singh, Sometimes Referred to as Man Singh, Ap-  
pellant, vs. Edward White, as Commissioner of Im-  
migration, Port of San Francisco, Appellee. Tran-  
script of Record. Upon Appeal from the Southern  
Division of the United States District Court for the  
Northern District of California, First Division.

Filed September 27, 1920.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Ap-  
peals for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

---

In the Southern Division of the United States Dis-  
trict Court for the Northern District of Cali-  
fornia, First Division.

No. 16,738.

In the Matter of MON SINGH, Sometimes Re-  
ferred to as MAN SINGH, on Habeas  
Corpus.

**Order Extending Time Thirty Days from September  
2, 1920, to File Record and Docket Cause.**

Good cause appearing therefor, and upon motion

of Geo. A. McGowan, Esq., attorney for the petitioner and appellant herein,—

IT IS HEREBY ORDERED that the time within which the above-entitled case may be docketed in the office of the clerk of the United States Circuit Court of Appeals for the Ninth Circuit may be and the same hereby is extended for a period of thirty (30) days from and after the date hereof.

Dated, San Francisco, Cal., September 2, A. D. 1920.

W. H. HUNT,  
Judge of the United States Circuit Court of Appeals for the Ninth Circuit.

Service of the within order and receipt of a copy thereof is hereby admitted this 2d day of Sept., 1920.

FRANK M. SILVA,  
U. S. Atty.

[Endorsed]: No. 16,738. In the Southern Division of the United States District Court for the Northern District of California, First Division. In the Matter of Mon Singh, Sometimes Referred to as Man Singh, on Habeas Corpus. Order Extending Time to Docket Case.

No. 3577. United States Circuit Court of Appeals for the Ninth Circuit. Filed Sep. 2, 1920. F. D. Monckton, Clerk. Refiled Sep. 27, 1920. F. D. Monckton, Clerk.

